



OFFICE OF THE BOARD OF HEALTH

Town of Arlington

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Board of Health Meeting Minutes

Wednesday, June 2, 2004

4:00pm

Second Floor Conference Room

Senior Center

Board Members in Attendance: Dr. Carole Allen (Chair), Mr. Gregory Leonardos, Mark Fingerle

Staff in Attendance: Christine Connolly, (Director of Public Health), Denise Boucher (Health Compliance Officer)

- I. Meeting Minutes from the April 28, 2004 meeting were accepted as written.
- II. Christine Connolly presented a letter to the Board from resident Christopher Reilley, 174 Brooks Ave. Mr. Reilley requested a letter from the Board of Health to petition the Board of State Examiners of Plumbers and Gasfitters for a variance from the building code to allow his bathroom fixtures which are not approved for use in Massachusetts. The Board of Health denied Mr. Reilley's request for a letter of support. Dr. Allen stated that the Board of Health should not supercede the plumbing code, which is developed to protect the public safety.
- III. Christine Connolly presented to the board a list of complaints, investigations, reports and violation notices issued to the owner of Sabatino's Italian Kitchen regarding the use of his cooking exhaust fans running throughout the night and creating a nuisance to abutting properties. Owner of the establishment, Samir Isweis was present with legal counsel Aro Margosian who stated to the board that Mr. Isweis runs the exhaust fans overnight because the restaurant gets extremely hot a night. Mr. Isweis stated that the ovens are kept on over night. Neighbor Ed Pacheco stated that his bedroom faces the restaurant and the fans keep his wife up at night because of the noise level. Mr. Pacheco stated that he has spoken to Mr. Isweis, and a number of agencies in the town have spoken to Mr. Isweis regarding the fans and yet he continues to run the fans. Heather Pacheco, neighbor stated that she is a teacher in Framingham and she is being kept up at night and this is impeding her life. Ms. Pacheco

stated that she would like the fans turned off while she sleeps. The Board voted to require Mr. Isweis to keep the fans off between 12midnight and 7am.

- IV. Christine Connolly presented the Board with a request from Mr. Henry Oliveras for a variance from the Massage Therapy Regulations. Mr. Oliveras has completed over 600 hours in massage therapy study but has not completed the course of study, which is required to obtain a permit to practice in Arlington. The Board unanimously voted to deny the variance and voted to allow Mr. Oliveras to pass the National Certification Exam in Massage Therapy.
- V. Christine Connolly presented the Board with a Massage Therapy permit application from Irina Litvin, the applicant that worked at the International Massage Therapy Center at 481 Mass Ave without a permit under the direction of Andre Popondupolo. Upon review of the permit application, the Board voted to require that Ms. Litvin pass a National Certification Exam in order to apply for a permit. Based on the application and supporting materials that were submitted to the Board of Health, the board could not determine the validity of the documents because the therapy school was no longer in operation and was in Russia. The Massage Therapy regulations require a diploma from a nationally recognized institution. The Board voted to grant a permit to practice when Ms. Litvin passes a National Certification Exam.
- VI. Denise Boucher stated that the variance request for Mr. Sushi would occur at the next Board of Health meeting. Ms. Boucher stated that the consultant working with Mr. Sushi is waiting for data from the lab regarding the acidification of rice variance. The variance request will be presented at the next hearing date.
- VII. Property owner Sylvia Page, owner of single family home located at 17 Cheviot Road requested hearing with board to discuss violation notice. Denise Boucher stated that there are birds that fly into the overhangs on the eaves due to holes that are present in the eaves. The tenant initially complained that there were bugs in the home that were caused by birds nests. The tenant stated that the pest company that she hired told her that the birds nests were causing the bugs in the home. The order to correct violations sent by the department included sealing holes in the eaves as well as extermination of the carpet beetle bugs that were present in the home. The property owner requested a hearing with the board to dispute the order. The board upheld the order to seal up the holes and remove the birds nests but repealed the order to exterminate the bugs. The board unanimously agreed that the bugs did not pose a risk to the health of the occupants and therefore the order to exterminate the bugs was rescinded.
- VIII. Christine Connolly presented the Board of Health Dumpster Regulations and pointed out a discrepancy between the Board of Health regulation and the Town by-law regarding noise and heavy equipment. The board voted to amend the regulations at a future hearing to make the regulations similar to the town by-laws.

- IX. Christine Connolly stated to the Board that there are two properties in town that may require condemnation in the future. Ms. Connolly stated that she has been in touch with Town Counsel to look further into the issue and an update will be made at the next meeting.

Adjourn